

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>THOMAS COSTELLO,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	<b>NO. 09-5098</b>
<b>vs.</b>	:	
	:	
<b>UNITE H.E.R.E.I.U. LOCAL 54,</b>	:	
<b>UNITE H.E.R.E.I.U. LOCAL 54 BENEFIT</b>	:	
<b>OFFICE, H.E.R.E.I.U. WELFARE AND</b>	:	
<b>PENSION FUND, and CAESAR'S</b>	:	
<b>ENTERTAINMENT doing business as</b>	:	
<b>HARRAH'S ENTERTAINMENT doing</b>	:	
<b>business as BALLY'S doing business as</b>	:	
<b>CAESAR'S ATLANTIC CITY,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 10th day of May, 2010, upon consideration of Defendant H.E.R.E.I.U. Welfare Fund's Motion to Dismiss or Alternatively for Summary Judgment (Document No. 12, filed Jan. 29, 2010), UNITE H.E.R.E.I.U. Local 54's Motion to Dismiss or Alternatively for Summary Judgment (Document No. 17, filed February 2, 2010) and Notice of Motion to Dismiss Plaintiff's Complaint Pursuant to the Provisions of F.R.C.P. 12(b)(6) or, Alternatively, For Summary Judgment Pursuant to F.R.C.P. 56 (Document No. 19, filed February 5, 2010), Plaintiff's Response to Defendants [sic] Local 54 Motions [sic] to Dismiss (Document No. 24, filed March 31, 2010), response to Boardwalk Regency's Motion to Dismiss (document No. 25, filed March 31, 2010), Plaintiff's Response to Defendant H.E.R.E.I.U. Motion to Dismiss (document No. 26 filed March 31, 2010), Reply Affidavit of Susan Craighead in Further Support of H.E.R.E.I.U. Welfare Fund's Motion for Summary Judgment (Document No. 33, filed April 28, 2010), Reply Affidavit of Gary Odenweller in Further Support of H.E.R.E.I.U. Welfare Fund's Motion for Summary Judgment, and after a telephone conference on April 14, 2010, for the reasons stated in the Memorandum dated May 10th, 2020 **IT IS ORDERED** as follows:

1. Caesar's Motion for Summary Judgment Pursuant to F.R.C.P. 56 is **GRANTED**.  
Caesar's Alternative Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) is **DENIED** as **MOOT**;
2. UNITE H.E.R.E.I.U. Local 54's for Summary Judgment is **GRANTED**. UNITE  
H.E.R.E.I.U. Local 54's Alternative Motion to Dismiss is **DENIED** as **MOOT**; and
3. The Court **DEFERS** ruling on Defendant H.E.R.E.I.U. Welfare Fund's Motion to  
Dismiss or Alternatively for Summary Judgment because of the reported settlement in principle  
between plaintiff and that defendant.

**IT IS FURTHER ORDERED** that UNITE H.E.R.E.I.U. Local 54 Benefits Office is  
**DISMISSED** as a defendant on the ground that it is not a legal entity.

**IT IS FURTHER ORDERED** that plaintiff and the Fund shall jointly report to the Court  
by letter to Chambers on or before June 2, 2010 as to (a) whether the settlement has been  
finalized and (b) whether an order of dismissal with prejudice can be filed under Local Rule of  
Civil Procedure 41.1(b).

**BY THE COURT:**

/s/ Jan E. DuBois  
**JAN E. DUBOIS, J.**